

ORDINANCE. NO. 2-02

**AN ORDINANCE ESTABLISHING CHARGES FOR USERS OF THE SHERMAN TOWNSHIP
WASTEWATER DISPOSAL SYSTEM FACILITIES.**

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The Board of the Township of Sherman, Keweenaw County, Michigan hereby ORDAINS:

SECTION 100 - PREAMBLE

**SHERMAN TOWNSHIP
WASTEWATER DISPOSAL SYSTEM FACILITIES**

The fees, rates and charges for using the Sherman Township wastewater and collection disposal system facilities shall be upon the conditions and in the amounts set forth in Section 100 et. seq., except where this ordinance is declared inapplicable for a particular user by a written contract providing for alternative charges between such user and the Township.

SECTION 105 - DEFINITIONS

For the purpose of this ordinance, the following words, terms and abbreviations shall have the meaning set out below, unless the context specifically indicates otherwise.

Subdivision 1051 - ADMINISTRATIVE COST means the cost to administer the wastewater disposal system, including billing and collecting charges, audits of accounts, and insurance.

Subdivision 1053 - CAPITAL COST means all reasonable and necessary costs and expenses incurred by Sherman Township in planning, designing, financing and constructing disposal system facilities, including, but not limited to costs and expenses for obtaining necessary permits, licenses, approvals, and grants for design and construction costs; fees for legal and consulting services; and acquisition.

Subdivision 1054 - COMMERCIAL USER means those commercial establishments, business establishments, or establishments seeking profit which contribute normal domestic sewage strength waste to the treatment facility.

Subdivision 1055 - DEBT SERVICE means the principal and/or interest necessary to pay bonded or other indebtedness related to capital costs.

Subdivision 1056 - DEBT SERVICE CHARGE means the charge related to the principal and interest necessary to pay bonded or other indebtedness related to capital costs for facilities owned or operated by the Township.

Subdivision 1057 - DOMESTIC USER or RESIDENTIAL USER means that discharge coming from domiciles in the service area which contribute that strength equal to or less than normal domestic waste.

Subdivision 1058 - FLOW means the quantity of sewage expressed in gallons or cubic feet per twenty-four (24) hours.

Subdivision 1059 - GENERAL MUNICIPAL FLOW means the total sewage flow discharged to the Wastewater Disposal System Facilities, minus the flows from industrial users, other municipalities, and contract users and therefore, includes sanitary wastes and infiltration. General municipal flow includes flow from domestic users, commercial users, institutional users and government users.

Subdivision 1060 - GENERAL MUNICIPAL USER means any user discharging sewage to the general municipal flow other than industrial users, municipalities and other contract users.

This category of user includes as subcategories: Domestic Users, Commercial Users, Institutional Users, and Governmental Users, which are not contract users.

Subdivision 1061 - GOVERNMENTAL USER includes those establishments who function in the administration and/or execution of governmental programs as well as the office of executives, legislative bodies and agencies which provide general support services for government.

Subdivision 1065 - NORMAL DOMESTIC STRENGTH WASTE shall mean a liquid waste that is generated by a typical residence, with an assumed concentration of 200 mg/l BOD and 240 mg/l suspended solids.

Subdivision 1066 - OPERATION AND MAINTENANCE COSTS (O & M COSTS) means the expense related to the costs of the operation, maintenance, replacement and administration of the Wastewater Disposal System Facilities.

Subdivision 1067 - REPLACEMENT COSTS means costs related to the expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary to maintain the capacity and performance during the useful life of the Wastewater Disposal System Facilities for which such facilities were designed and constructed. The term "operation and maintenance" includes replacement.

Subdivision 1068 - RESIDENTIAL USER means a user of the treatment works whose premises or buildings are used primarily as a domicile for one or more persons including dwelling units such as detached, semi-detached, rural houses, mobile homes, and multiple family dwellings.

Subdivision 1069 - SANITARY WASTES means the liquid and water carried wastes discharged from sanitary plumbing facilities.

Subdivision 1070 - SEWAGE means the liquid carried waste products from whatever source derived, together with such groundwater infiltration and surface water as may be present.

Subdivision 1071 - SEWER means a pipe or conduit for carrying sewage, industrial waste and other waste liquids.

Subdivision 1072 - SEWER SERVICE CHARGE means the aggregate of all the charges including the user charges, debt service charges and other sewer related charges that are billed periodically to users of the Wastewater Disposal System Facilities.

Subdivision 1073 - SEWER SYSTEMS means pipelines or conduits, pumping stations, force mains, and all other devices and appliances appurtenant thereto, used for collecting or conducting sewage.

Subdivision 1075 - SS (DENOTING SUSPENDED SOLIDS) means solids that either float on the surface of, or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering, in accordance with the latest edition of Standards for the Examination of Water and Wastewater.

Subdivision 1076 - TOWNSHIP means Sherman Township, Keweenaw County, Michigan.

Subdivision 1077 - USER means any person, firm, corporation, or other entity, whether

municipal or otherwise, discharging sewage into the Township disposal system facilities.

Subdivision 1078 - USER CHARGE means a charge levied on users of Wastewater Disposal System Facilities for the cost of operation and maintenance and replacement of such facilities.

Subdivision 1079 - USER CLASS refers to one of the following: domestic user, commercial user, industrial user, institutional user and/or governmental user.

Subdivision 1080 - WASTEWATER DISPOSAL SYSTEM means any facility, appurtenant structures, or arrangement of devices used for the treatment of sewage, and includes the sewer system and any private disposal systems improved by federal funds obtained through the Township.

SECTION 110 - GENERAL

It is the purpose of this ordinance to recover from the users of the Wastewater Disposal System Facilities, on an equitable and proportional basis, the overall share of the Wastewater Disposal System Facilities costs attributed to such users, and to provide funds for the operation and maintenance, debt service, replacement and improvements of the Wastewater Disposal System.

Subdivision 1101 - The Sewer Service Charges provided in this section are hereby levied and assessed upon each parcel of land, building or premises having any connection with, or having a discharge into, whether directly or indirectly, the sanitary sewer system. No free services will be granted. Equal rates of treatment for all users will be enforced.

Subdivision 1102 - The Township Board shall at least annually determine and fix by resolution, the unit costs for use of the Wastewater Disposal System Facilities on the basis of use or; Flow; BOD; SS; or any other pollutant, taking into consideration the cost of treatment of such sewage and may increase or decrease such unit cost as often and in such amounts as may reasonably be required to accomplish the purposes of this section.

Subdivision 1103 - The Township Board shall compute the amount due the Township for sewer user charges and render a statement thereof, at the intervals determined by resolution of the Township Board to the owner or occupant of any premises using the Wastewater Disposal System Facilities or any component thereof. Such charges shall be pursuant to the most recent resolution establishing charges and rates in accordance with this ordinance. All amounts due hereunder shall be payable at the Township office or other designated locations. Equal rates will be charged throughout the jurisdiction of the Township.

Subdivision 1104 - The Township shall each year provide an internal audit report that will address specific areas of concern including: the need to generate sufficient revenue through user charges to cover total O & M Costs; debt service costs; the necessity of maintaining a proportionate system of user charges pursuant to current federal regulations; the need to review the replacement account to determine its proper level of funding.

SECTION 115 - BILLING PRACTICE

Subdivision 1151 - The debt service charge and an administrative charge shall be collected by a yearly special assessment collected with the winter tax bill. The amount shall be divided amongst the assessed properties within the Special Assessment District, plus interest on the debt service. The sewer service charge shall be composed of the operation and maintenance charge for the system. The bill will be payable in accordance with the schedule established by the Township.

Subdivision 1152 - All portions of the sewer service charge shall be payable at the time the bill for same is issued.

Subdivision 1153 - Charges levied in accordance with this ordinance shall be a debt due to the Township and shall be a lien upon the property. If this debt is not paid within twenty (20) days after it shall be due and payable, it shall be deemed delinquent and may be recovered by civil action in the name of the Township against the property owner, the person or both. On all delinquent bills, the Township shall include a charge at the rate of one and one-half percent (1-1/2%) per month from date of billing or at the maximum rate of interest provided by law if the maximum rate of interest is less than one and one half percent (1-1/2%) per month. If full payment is not received prior to September 15, the delinquent bill will be forwarded to the County for placement on the succeeding tax roll.

In the event of failure to pay sewer service charges after they become delinquent, the Township shall have the right to remove or close sewer connections and enter upon the property for accomplishing such purposes.

The expenses of such removal or closing, as well as the expense of restoring service, shall likewise be a debt to the Township and lien upon the property and may be recovered by civil action in the name of the Township against the property owner, the person or both.

Sewer service shall not be restored until all charges, including the expense of service removal and restoration, shall have been paid.

Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

Subdivision 1154 - The Township shall annually notify each user in conjunction with a regular bill of the breakdown of the rates and user charges related to the Wastewater Disposal System.

SECTION 120 - FUNDS FROM SEWER SERVICE CHARGES

The funds received from the collection of the charges authorized by the ordinance shall be deposited as collected in the Wastewater Disposal System Operating Fund and shall be used for operation and maintenance, replacement, and improvements to the Wastewater Disposal System except that the portion of any such funds which is limited to a particular use by applicable State and Federal rules or regulations, shall be used in compliance with such restrictions. Separate accounts for each activity shall be maintained.

The funds received from the collection of the special assessment authorized shall be collected and deposited in a separate fund for debt service repayment.

SECTION 125 - UNIT COST CATEGORIES

The cost to be recovered pursuant to this ordinance and the unit cost to be fixed by the Township in Subsection 110, Subdivision 1102 shall be determined and allocated in each of the following categories:

Subdivision 1251 - "Category A." Operation and Maintenance -- Wastewater Disposal System Facilities: This shall be the annual cost of operating and maintaining the Wastewater Disposal System Facilities, the annual cost of administrating the wastewater disposal system, including billing and collecting charges, audits of accounts, and insurance including an amount for replacement costs of personal property, which shall be segregated in a separate fund.

SECTION 130 - DEBT SERVICE CHARGES

Subdivision 1301 - The debt service charges for capital improvement projects shall be determined by dividing the total debt service charge by the number of users of the wastewater disposal system. The quotient shall be the amount each user must pay through a special assessment on the properties within the special assessment district.

SECTION 140 - OPERATION AND MAINTENANCE CHARGES

Subdivision 1401 - The unit cost for service shall be calculated by dividing the Category A (Operation and Maintenance) Cost by the total number of users of the wastewater disposal system. The charge shall also be levied when no wastewater is discharged by a user during one complete billing period.

Subdivision 1403 - In addition to the charges provided for herein, the Township may impose a surcharge on any user pursuant to the Sewer Use Ordinance or based on some other pollutant loading factor which requires special treatment at the Wastewater Treatment Works.

SECTION 142 - VALIDITY

Subdivision 1421 - REPEAL OF CONFLICTING ORDINANCE. All ordinances or parts of ordinances or regulations in conflict with this ordinance are hereby repealed.

Subdivision 1422 - INVALIDATION CLAUSE. Invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other section, clause, sentence, or provision of this ordinance which can be given effect without the invalid part or parts.

Subdivision 1423 - AMENDMENTS. Public Notice shall be given in accordance with applicable provisions of the State and Federal law prior to adoption of any amendments to this ordinance.

SECTION 145 - EFFECTIVE DATE

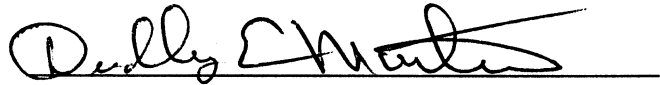
Subdivision 1451 - DATE EFFECTIVE. This ordinance shall take effect and be in force thirty days after the date of publication of the notice of adoption.

Subdivision 1452 - DATE OF ENACTMENT. Passed and adopted by the Township Board of the Township of Sherman in the county of Keweenaw and the state of Michigan on this 14th day of March, 2002.

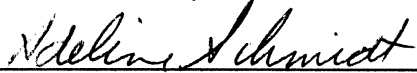
YES: 5

NO. 0

ABSENT: 0



Dudley E. Martin, Supervisor



Adeline Schmidt, Clerk

Date published in the Daily Mining Gazette: Thursday March 21, 2002

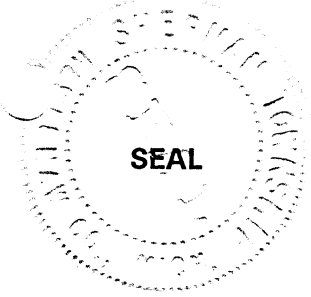
RATE ORDINANCE CERTIFICATION

The Township of Sherman hereby certifies that a rate ordinance in accordance with the estimated project budget and Municipal Finance Division, Michigan Department of Treasury approval has been adopted and is in effect.

ATTEST:

Adeline Schmidt
Adeline Schmidt, Clerk

By Dudley E. Martin
Dudley E. Martin, Supervisor



**RESOLUTION ESTABLISHING RATES
AND CHARGES FOR SEWER USE**

WHEREAS, the Township of Sherman has applied for federal assistance in the upgrading of wastewater facilities;

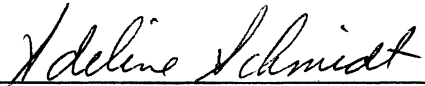
NOW, THEREFORE, BE IT RESOLVED, that the following rates and charges for sewer use shall become effective upon the adoption of this resolution and corresponding ordinance.

I. Debt Service Charge - shall be charged per assessed property within the Special Assessment District to be levied on the property with the property taxes per the attached table.

II. Operation and Maintenance Costs - The combined unit cost based upon a flat rate.

- Residential = \$8.70 per service
- Commercial = \$26.10 per service

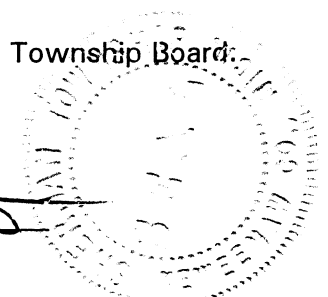
Adopted this 14th day of March, 2002 by the Sherman Township Board.



Adeline Schmidt, Clerk



Dudley E. Martin, Supervisor



Sherman Township
Special Assessment District - Repayment

Principal amount: \$155,000.00
of assessed properties: 68
Assessment per Property: \$2,279.41

Repayment Period: 40 Years
Yearly Principal Amount: \$56.99
Interest Rate: 5.5 %

Year	Reamining Principal	Principal Payment Amount	Interest	Yearly Assessed Total Appearing on Tax Bill	
2001	\$2,279.41	\$56.99	0	\$56.99	<i>No interest first payment</i>
2002	\$2,222.43	\$56.99	\$122.23	\$179.22	
2003	\$2,165.44	\$56.99	\$119.10	\$176.08	
2004	\$2,108.46	\$56.99	\$115.97	\$172.95	
2005	\$2,051.47	\$56.99	\$112.83	\$169.82	
2006	\$1,994.49	\$56.99	\$109.70	\$166.68	
2007	\$1,937.50	\$56.99	\$106.56	\$163.55	
2008	\$1,880.51	\$56.99	\$103.43	\$160.41	
2009	\$1,823.53	\$56.99	\$100.29	\$157.28	
2010	\$1,766.54	\$56.99	\$97.16	\$154.15	
2011	\$1,709.56	\$56.99	\$94.03	\$151.01	
2012	\$1,652.57	\$56.99	\$90.89	\$147.88	
2013	\$1,595.59	\$56.99	\$87.76	\$144.74	
2014	\$1,538.60	\$56.99	\$84.62	\$141.61	
2015	\$1,481.62	\$56.99	\$81.49	\$138.47	
2016	\$1,424.63	\$56.99	\$78.35	\$135.34	
2017	\$1,367.65	\$56.99	\$75.22	\$132.21	
2018	\$1,310.66	\$56.99	\$72.09	\$129.07	
2019	\$1,253.68	\$56.99	\$68.95	\$125.94	
2020	\$1,196.69	\$56.99	\$65.82	\$122.80	
2021	\$1,139.71	\$56.99	\$62.68	\$119.67	
2022	\$1,082.72	\$56.99	\$59.55	\$116.53	
2023	\$1,025.74	\$56.99	\$56.42	\$113.40	
2024	\$968.75	\$56.99	\$53.28	\$110.27	
2025	\$911.76	\$56.99	\$50.15	\$107.13	
2026	\$854.78	\$56.99	\$47.01	\$104.00	
2027	\$797.79	\$56.99	\$43.88	\$100.86	
2028	\$740.81	\$56.99	\$40.74	\$97.73	
2029	\$683.82	\$56.99	\$37.61	\$94.60	
2030	\$626.84	\$56.99	\$34.48	\$91.46	
2031	\$569.85	\$56.99	\$31.34	\$88.33	
2032	\$512.87	\$56.99	\$28.21	\$85.19	
2033	\$455.88	\$56.99	\$25.07	\$82.06	
2034	\$398.90	\$56.99	\$21.94	\$78.92	
2035	\$341.91	\$56.99	\$18.81	\$75.79	
2036	\$284.93	\$56.99	\$15.67	\$72.66	
2037	\$227.94	\$56.99	\$12.54	\$69.52	
2038	\$170.96	\$56.99	\$9.40	\$66.39	
2039	\$113.97	\$56.99	\$6.27	\$63.25	
2040	\$56.99	\$56.99	\$3.13	\$60.12	

SHERMAN TOWNSHIP USER CHARGE SYSTEM

A. Introduction

The Sherman Township wastewater disposal system, as proposed, will serve those within the Special Assessment district in the Unincorporated Community of Gay. **The Township of Sherman will own and operate the sewer system in the Township in the named area.** The system will serve a total of 68 properties contained within the Special Assessment District established for construction of the wastewater system improvements. The system will serve 49 Residences, two Township buildings, and one small business. All of the users shall be subject to the user charge system.

The system will be comprised of gravity collection servers, a pump station, and a land-based treatment system. The land-based treatment system will be pressurized mound drainfield. The design flow of the system is 3000 gallons per day (average). The wastewater discharged by all users is domestic sewage. All components of the system will be owned, operated, and maintained by Sherman Township.

B. Wastewater Rate Development

The wastewater rates developed in this report are based on the following procedures:

1. Determination of the total annual revenue required to offset costs of treatment facility operation, maintenance and replacement (OM&R); sewer line maintenance; and administration; the year the rates are to be effective (2002).
2. Determination of wastewater rates that will recover within practical limits, the cost to serve the district.

C. Wastewater System Operation, Maintenance, and Replacement (OM&R)

1. Treatment Facility Operation, Maintenance, and Replacement (OM&R)

Expenses for the wastewater treatment facility are listed in Table 1.

TABLE 1

WASTEWATER COLLECTION TREATMENT FACILITY OM&R EXPENSES (2002)

Administration & Billing	\$500
Testing	\$1,000
Maintenance	\$500
Tank Pumping	\$1,200
Utilities	\$600
Repair & Replacement	\$1,000
Total	\$4,800

The wastewater treatment facility expenses listed in Table 1 include an item for equipment replacement. Rural Development requires the establishment of an equipment replacement fund for communities that receive federal funds for the construction of wastewater facilities. The fund is to be used to procure and install equipment, accessories and appurtenances necessary during the useful life of the treatment works to maintain its design capacity and performance. It is not intended to provide funding for reconstruction, expansion or upgrading of the treatment works.

The 20 year equipment replacement cost for the new wastewater treatment facility are estimated at \$20,000 (Table 2). Assuming an inflation rate approximately equal to interest the annual equipment replacement payment would be the cost of the equipment divided by its estimated life. An equipment replacement fund of \$1,000 per year should be included in the wastewater system budget.

TABLE 2

WASTEWATER TREATMENT FACILITY REPLACEMENT COST

ITEM	REPLACEMENT VALUE	ESTIMATED LIFE (YR.)	EQUIPMENT REPLACEMENT COST
Pumps	10,000	20	500
Pump Controls	10,000	20	500
			\$1,000

D. Rate Determinations

1. System Users

The number of users (permanent, seasonal, and others is 52).

2. Operation and Maintenance

The operation and maintenance (O&M) charge is the charge required to recover those costs which may vary with the amount of wastewater flow generated by the customers in aggregate. The proposed O&M charge for the wastewater disposal system is based on the project sewer line maintenance costs plus the operation, maintenance and equipment replacement costs of the new treatment system.

$$\begin{aligned} \text{O\&M Charge (User Fee)} &= \frac{\text{SystemOM\&R}}{\text{NumberofUsers}} \div 12\text{months} \\ &= \frac{5,429.00}{52} \div 12 \\ &= 8.70 \text{ per customer per month} \end{aligned}$$

3. Debt Service Charge (paid by Special Assessment on Winter Tax Bill)

The debt service charge is determined by dividing the annual debt service charge by the number of users within the special assessment district.

Sherman Township
Special Assessment District - Repayment

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of assessed properties: 68
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2018	\$1,310.66	\$56.99	\$72.09	\$129.07
2019	\$1,253.68	\$56.99	\$68.95	\$125.94
2020	\$1,196.69	\$56.99	\$65.82	\$122.80
2021	\$1,139.71	\$56.99	\$62.68	\$119.67
2022	\$1,082.72	\$56.99	\$59.55	\$116.53
2023	\$1,025.74	\$56.99	\$56.42	\$113.40
2024	\$968.75	\$56.99	\$53.28	\$110.27
2025	\$911.76	\$56.99	\$50.15	\$107.13
2026	\$854.78	\$56.99	\$47.01	\$104.00
2027	\$797.79	\$56.99	\$43.88	\$100.86
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2035	\$341.91	\$56.99	\$18.81	\$75.79
2036	\$284.93	\$56.99	\$15.67	\$72.66
2037	\$227.94	\$56.99	\$12.54	\$69.52
2038	\$170.96	\$56.99	\$9.40	\$66.39
2039	\$113.97	\$56.99	\$6.27	\$63.25
2040	\$56.99	\$56.99	\$3.13	\$60.12

TOWNSHIP OF SHERMAN

AMENDMENT TO ORDINANCE NUMBER 1-02

AN AMENDMENT TO TOWNSHIP ORDINANCE NUMBER 1-02 PERTAINING TO PUBLIC AND PRIVATE SEWERS AND DRAINS, THIS AMENDMENT REQUIRING THAT BUILDING SEWERS BE IN COMPLIANCE WITH THE ORDINANCE AND PROVIDING FOR A RECONNECTION CHARGE FOR BUILDING SEWERS NOT IN COMPLIANCE

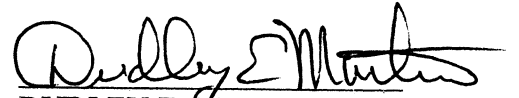
**THE TOWNSHIP OF SHERMAN, KEWEENAW COUNTY, MICHIGAN,
ORDAINS THE FOLLOWING AMENDMENT TO ITS ORDINANCE NUMBER
1-02:**

Ordinance Number 1-02 of the Ordinances of the Township of Sherman is amended to add the following subdivision:

Subdiv. 2212: RECONNECTION TO NEW SEWERS

The Approving Authority may by resolution levy a reconnection charge for the connection of an existing building sewer to a new public sewer to promote the limitation of clear water inflow to the public sewer from sewer services not in compliance with the other provisions of Section 220 of this Ordinance No. 1-02. All connections of existing building sewers to new sewers shall comply with the provisions of this ordinance as it pertains to construction, materials, allowable sources of flow, and be in such condition to prevent infiltration of clear water (storm drainage and/or groundwater) into the new sewer system. If a building sewer is found to be out of compliance with the provisions of this ordinance it shall be repaired or replaced, at the expense of the owner, prior to being connected to the new sewer. Existing building sewers and repaired or replaced building sewers shall be subject to approval of the Approving Authority or a designated representative thereof.

Adopted by the Township Board of the Township of Sherman, Keweenaw
County, Michigan, on this 1 day of May, 2002.


DUDLEY E. MARTIN,
Township Supervisor

ATTEST:

Adeline Schmidt

Township Clerk

YEAS: Jay Piquette, Ken Robarge, Dudley Martin,
Ed Kraai, Adeline Schmidt

NAYS: - 0 -

ABSENT: None

I hereby certify that the foregoing is a true and complete copy of an Amendment to Ordinance Number 1-02, duly adopted by the Township Board of the Township of Sherman, County of Keweenaw, Michigan, at a Special meeting held on May 16, 2002, and that this meeting was conducted and public notice of this meeting was given pursuant to and in full compliance with the Open Meeting Act, being Act No. 267, Public Act of Michigan, 1976, and that the minutes of this meeting were kept and will or have been made available as required by the Act.

I further certify that the following members of the Township Board were present at the meeting: Jay Piquette, Trustee; Ken Robarge, Treasurer;
Dudley Martin, Supervisor; Ed Kraai, Trustee; Adeline Schmidt, Clerk

and that the following members were absent: None

I further certify that member Jay Riquette moved for adoption of the amendment to the ordinance and that member Ed Kraai supported the motion.

I further certify that the following members voted for adoption of the ordinance:

Trustee Riquette, Treasurer Kobarge, Supervisor Martin,
Trustee Kraai, Clerk A. Schmidt

and that the following members voted against adoption of the ordinance: None

I further certify that the ordinance has been recorded in the ordinance book of the Township of Sherman and that this recording has been authenticated by the signatures of the Township Supervisor and Township Clerk.

Adeline Schmidt

Township Clerk